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Held at Headquarters, New York,
on Tuesday, 7 April 1992, at 10 a.m.

Chairman: Mr. POCAR

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of Belgium (CCPR/C/57/Add.3)

1. At the invitation of the Chairman, Mr. Noterdaeme and Mr. Debrulle (Belgium) took places at the Committee table.

Constitutional and legal framework within which the Covenant is implemented; rights of persons belonging to minorities (articles 2 (2) and (3) and 27 of the Covenant) (section I of the list of issues)

2. The CHAIRMAN read out section I of the list of issues concerning the second periodic report of Belgium, namely: (a) the status of the provisions of the Covenant that were not directly applicable or that had not yet been confirmed to be directly applicable, and the provisions, other than article 9, paragraph 2, which had been interpreted by the Court of Cassation to be directly applicable; (b) the extent to which the Covenant was applicable in the legislation of the Flemish, French and German communities; (c) any difficulties affecting the implementation of the institutional reforms mentioned in paragraphs 253 to 261 of the report (CCPR/C/57/Add.3).

3. Mr. DEBRULLE (Belgium), referring to section I (a), said that the provisions of the Covenant that were not directly applicable did not, in and of themselves, confer any right on individuals; they must be transferred to domestic law by means of an enactment which reflected their principles.

4. Other than article 9, paragraph 2, the provisions of the Covenant which the Court of Cassation had declared to be directly applicable were article 9, paragraph 3, and article 14, paragraphs 1, 2 and 7.

5. With regard to section I (b), international treaties which were introduced into domestic law in accordance with established procedures took precedence over national legislation in the areas to which they related. As the Covenant was an integral part of Belgian law and had binding force, those of its provisions which were directly applicable took precedence not only over national legislation, but also over the enactments of the Communities and Regions. The Communities and Regions were not authorized by any provision of domestic law to disregard the international commitments entered into by the Belgian State.

6. With regard to section I (c), there were four major difficulties, namely, the centrifugal nature of Belgian federalism; the country's bipolar structure; different concepts in the North and the South with regard to the operation of the language law; and the need to strike a balance, in the allocation of funds, between the requirements of national solidarity and those of regional and community autonomy.

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7. First, the Belgian State had gradually been transformed into a federal State through the establishment of Communities and Regions. Since the Communities and Regions had legislative powers equivalent to those of the national legislature, and since the decrees issued by the Communities and Regions had equal standing with national law, conflicts of jurisdiction sometimes arose; the resolution of such conflicts had been assigned to a special institution, the Court of Arbitration.

8. Secondly, as noted in paragraph 252 of the report, although Belgium was divided into four linguistic regions, three Communities and three Regions, the "Belgian problem" seemed to be the existence of two large communities, French-speaking and Dutch-speaking, in the same country. The problem was aggravated by several other factors, including the disparity in population size between the two communities (5.7 million Dutch-speaking as compared with 4 million French-speaking persons); political and philosophical homogeneity within each of the communities; the varying levels of economic development in the North and the South; the lack of a national political party; and a powerful process of international integration within the framework of the European Community.

9. The bipolar structure had led to the adoption of protective measures at the national level, on behalf of the French-speaking minority, and on behalf of the Dutch-speaking minority in the Brussels-Capital Region. As outlined in paragraphs 245 to 251 of the report, those measures included parity within the Council of Ministers; the requirement that laws affecting the basic interests of the linguistic groups should be passed "by community majority"; an "alarm-bell procedure", enabling either linguistic group to refer a draft law being debated by one of the legislative chambers to the Council of Ministers for an opinion; the requirement that the higher courts, such as the Court of Arbitration and the Court of Cassation must have an equal number of French-speaking and Dutch-speaking judges; and the provision for an equal number of French-speaking and Dutch-speaking senior officials in State and local public services.

10. Thirdly, the Dutch-speaking and French-speaking Communities had different concepts of the principles on which the rule of law should be based. For the Dutch-speaking Community, it was territorial law, in other words, the principle that all persons on Flemish soil must conform to the rules laid down by Flemish institutions, particularly with regard to territorial monolingualism. For the French-speaking Community, however, personal law was paramount; in other words, French institutions were competent to establish rules applicable tc all French-speaking persons throughout the country, whether in the North or in the South.

11. Those competing approaches had been reconciled through a number of compromises. For instance, recognition had been given to the law of the soil through the division of the country into four linguistic regions and the establishment of monolingualism within each of them. However, along the

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linguistic frontier between Flanders and Wallonia, there were 27 communes which had the "linguistic option" of asking the commune authorities to use a language other than the one of the region in which the commune was situated. Another compromise allowed persons of either linguistic group to vote in districts belonging to a linguistic region other than the one in which they lived.

12. Fourthly, as outlined in paragraph 260 of the report, the special Act of 1988 gave legal standing to economic and monetary union by making it a limitation on the authority of the Regions in economic matters. National solidarity took several forms: in respect of the Regions, it had been reflected, since 1990, in the payment of financial compensation to the least wealthy Region. Such compensation was based on a comparison between the average national income tax and the average per capita tax revenues in each Region; accordingly, the beneficiary Region might not always be the same. In respect of the Communities, national solidarity was reflected in the manner by which the educational system was funded, namely, through a value-added tax which was imputed according to the number of pupils in each of the two Communities.

Non-discrimination and equality of the sexes (articles 2 (1), 3 and 26 of the Covenant) (section II of the list of issues)

13. The CHAIRMAN read out section II of the list of issues concerning the second periodic report of Belgium, namely: (a) any actual inequalities limiting the opportunities available to women and the result of measures taken to overcome those inequalities; and (b) restrictions on the rights of aliens as compared with those of citizens and any difficulties arising from the presence of migrant workers on Belgian soil.

14. Mr. DEBRULLE (Belgium), referring to section I (a), said that there was a continuing debate in his country over the use of quotas to increase the number of women in fields such as politics, business and trade-unionism, where they had traditionally been few. The fact that, for the first time, one fifth of the ministers in the current Government were women represented an achievement in that regard. Nevertheless, inequalities persisted in such areas as access to employment, remuneration, training and promotion, as well as working conditions. A 1990 law provided that men and women should be equally represented in the consultative bodies set up by the public authorities. Since the Economic Reorientation Act of 1978, other measures had been adopted in both public and private spheres.

15. With regard to the public sector, a Royal Decree of 27 February 1990 had introduced measures to promote equality of opportunity for men and women in the public services, notably through equal opportunity programmes designed to overcome the adverse impact on women of traditional social behaviour and to promote their participation in working life at all levels. Efforts were being made to encourage women to seek access to technical sectors and senior and

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managerial positions where they were badly underrepresented. With regard to recruitment, measures were being proposed to encourage women applicants by placing emphasis on equal opportunity recruitment procedures and avoiding any reference in job descriptions to characteristics usually associated with male applicants. More than 150 equal opportunity programmes were now under way in the public sector.

16. In the private sector, equal opportunity programmes were also being promoted with the aim of introducing recruitment procedures designed to achieve better balance between men and women, reviewing selection procedures, educating those in charge of recruitment in equal opportunities problems, training women for non-traditional jobs, providing return-to-work programmes after career interruptions, improving child-care facilities and encouraging paternity leave.

17. Turning to the question of the rights of aliens as compared to those of Belgian citizens, he cited article 128 of the Constitution, which stipulated that "any foreigner who is on Belgian territory enjoys the same protection granted to persons and property". Save in exceptional cases established by law, foreigners therefore enjoyed the same individual freedoms as Belgian citizens. However, there were restrictions on political activity by foreigners where such activity might pose a threat to public order or national security. In addition, the King was authorized to prohibit foreigners from living in certain communes, if it was deemed that an increase in the foreign population of those communes would be harmful to the public interest.

18. Foreigners legally resident in Belgium enjoyed the same civil rights as Belgian citizens, although, with regard to economic freedoms, prior authorization was required to engage in certain activities.

19. One restriction on the rights of foreigners was that they were not eligible to vote or stand for election in Belgium. However, in line with the provisions adopted at the European Council meeting, held at Maastricht in December 1991, it was intended to amend the Constitution to enable European Community citizens resident in Belgium to vote in local and European elections. In addition, the Council of Europe had recently opened for signature a convention designed to confer the right to vote and stand for election on any foreigner resident for five years in the host State concerned.

20. On the question of the difficulties arising from the presence of migrant workers in Belgium, he noted that the main problem concerned the integration of immigrant families who had settled permanently in the country and the need to ensure harmonious coexistence with the indigenous population. In order to gain an overview of the problem and act in an effective and concerted manner, the Government had established a Royal Commission on Immigration Policy in 1989, with the task of identifying appropriate measures, notably in the field of employment, housing and education, so as to provide a coordinated framework for the policies pursued in the sector by the various public authorities concerned.

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21. In its first two reports the Royal Commission had put forward a wealth of proposals based on the two key concepts of integration as a long-term goal and harmonious coexistence. The concept of integration was based on the goals of assimilation, in the sense of respect for the law of the land; promotion of opportunities, with particular reference to the emancipation of immigrant women; and mutual respect for cultural and religious diversity.

22. The aim was to promote mutual acceptance by the immigrant and indigenous communities by encouraging the active and coordinated involvement of minorities in the activities and objectives of the dominant group.

23. In order to achieve that goal and create a harmonious multicultural society, the Royal Commission advocated effective application of laws with regard to migrants, stressing that rights also involved duties; ending legal discrimination based on nationality; promoting equality of opportunity with regard to social and economic conditions; and combating de facto discrimination on grounds of ethnic origin.

24. To implement those principles, a wide range of measures was proposed. Efforts would be made to facilitate acquisition of Belgian nationality, notably by applying the principle of jus soli for third generation immigrants and enabling second generation immigrants whose parents had been legally resident in Belgium for more than 10 years to acquire Belgian nationality at their own or their parents' request. Language courses would be encouraged for migrant workers suffering long-term unemployment and for first generation immigrant women, who were frequently trapped in low-paid employment. Subsidies and incentives would be provided to help improve housing in problem areas and efforts would be made to tackle problems in urban areas, with special emphasis on the difficulties faced by young immigrants, by improving sports facilities, stepping up policing, and encouraging police recruitment of ethnic minorities with a view to improving relations between the police and young immigrants, which had previously been a source of tension. Efforts would be made to promote a more positive media image of immigrants and to encourage their employment and participation in journalism and broadcasting. Special measures would also be taken to deal with the problem of trafficking in women and prostitution, an area in which immigrant women in particular were highly vulnerable.

25. Miss CHANET, referring to the status of the Covenant in Belgian domestic law, noted that, despite the 1984 decision by the Court of Cassation, affirming that article 9, paragraph 2, of the Covenant produced direct effects in internal law, and subsequent decisions concerning other provisions, it was still maintained that certain articles of the Covenant were not directly applicable because they were not self-executing. She asked whether there had been any change in the position of the Belgian Government on the matter or was it still necessary to apply to the courts in order to invoke rights under the Covenant. Surely the State had a duty to apply those provisions directly in the same way as it did for the European Convention on Human Rights, since

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failure to do so was tantamount to restricting its citizens' rights. She wanted to know whether the Government considered itself bound by the Covenant when drawing up new legal provisions or whether it was guided rather by the European Convention on Human Rights. She also asked whether, following its decision of 1990, the Court of Arbitration was competent to apply Covenant articles directly.

26. With regard to remedies, she noted that articles 92 and 93 of the Belgian Constitution drew a distinction between civil and political rights, determining which court had jurisdiction for particular cases. She wondered how a citizen could determine whether he was seeking to uphold a civil or a political right when in invoking the provisions of, say, articles 27 or 13 of the Covenant.

27. She noted that, when ratifying the Covenant, Belgium had formulated reservations to articles 19, 21 and 22 to the effect that those articles should be interpreted in the same way as articles 10 and 11 of the European Convention on Human Rights. She requested clarification of the meaning of those reservations, since the provisions of the instruments in question were almost identical, and asked whether the Government intended to maintain them. She also asked whether Belgium intended to accede to the Optional Protocol.

28. Noting that the country's main institutions were dominated by the French-speaking and Dutch-speaking communities, she wondered how the German-speaking and other minorities were represented in bodies such as the Court of Cassation and the Council of Ministers and what measures were taken to protect their rights. Noting that a "linguistic option" existed enabling linguistic minorities to request use of their language in certain administrative dealings, she asked how that option could be exercised and what specific procedures were involved.

29. Finally, with reference to the rights of children under article 24 of the Covenant, the report referred to residual differences between the status of legitimate and natural children. She would welcome an explanation of what those differences were, since they did not appear to refer to rights of inheritance or recognition of paternity.

30. Mr. HERNDL said that, although the provisions of the Covenant formed part of Belgian internal law and were binding, under Belgian law it was for the court to decide whether a treaty provision was directly applicable. In other words, it appeared that only the court could rule on the self-executing nature of a provision of the Covenant. He suggested that the word "court" might be too restrictive and that it might be more appropriate to state that it was for the body that applied the Covenant - the administrative authority - to decide whether or not a particular provision was directly applicable.

31. Mr. SADI said that, in view of the fact that the Court of Cassation had affirmed that article 9 was directly applicable in Belgian internal law, he wondered whether that ruling was tantamount to stating that all other articles of the Covenant were also directly applicable.

32. Article 6 of the Belgian Constitution stated that "all Belgians are equal in the eyes of the law" and article 6b stated that "enjoyment of the rights and liberties to which Belgians are entitled must be ensured without discrimination". In referring to discrimination, most constitutions made specific reference to sex, race, colour, religion and so on, and he inquired why no such reference had been made in the Belgian constitution.

33. He inquired whether both men and women had equal rights with respect to transmission of citizenship to their children.

34. It appeared that Belgium made a distinction between second- and third-generation aliens, which would be a form of discrimination. He requested the Belgian delegation to comment on the Tunisian political and human rights activist who had been extradited from Belgium to Tunisia on 7 February 1992.

35. In some countries of northern Europe, prostitution had been legalized, and he wondered whether that was the case in Belgium.

36. Finally, he inquired whether the Belgian Government was taking any steps to assimilate the Flemish, French and German communities with a view to forging a single nation.

37. Mr. PRADO VALLEJO said that paragraph 7 of the report stated that the Court of Cassation had "affirmed the primacy of provisions of international treaties having direct effects in internal law over provisions of national origin", and he requested the Belgian delegation to clarify what was meant by the words "direct effects". He also wished to know the place and juridical impact of the Covenant in Belgian law. According to the report, the court would have to decide on the direct applicability of a specific provision of the Covenant.

38. Under article 2, paragraph 2, of the Covenant, States parties were obliged to take the necessary steps to adopt such legislative or other measures as might be necessary to give effect to the rights recognized in the Covenant. He therefore did not understand why, even after its ratification of the Covenant, Belgium had enacted legislation that discriminated against foreigners on the grounds of nationality. Paragraph 144 of the report contained reference to legislation that restricted aliens' right to free choice of residence; paragraph 145 referred to a Royal Decree of 7 May 1985 that prohibited certain aliens from residing or establishing themselves in some communes in the greater Brussels area; and, paragraph 146 indicated that, under the Act of 28 June 1984, aliens other than nationals of the European

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Economic Community (EEC) could be prohibited from residing or establishing themselves in certain communes if the growth of the foreign population in such communes was deemed detrimental to the public interest. Such legislation seemed to run counter to the provisions of the Covenant, and he requested the Belgian delegation to provide clarification.

39. Mr. SERRANO CALDERA said that he wished to know the criteria applied in establishing the place of international treaties in the hierarchy of internal law. In his opinion, all international treaties should be equally applicable.

40. There seemed to be no general rule regarding the direct applicability of a treaty provision, since the court decided on the direct applicability of a treaty provision only in specific cases. He wished to know whether an action invoking a provision of the Covenant could be brought before an ordinary court or whether it had to be brought before the Court of Cassation.

41. Mr. MÜLLERSON said that, according to article 4 of the Constitution, no political rights of any kind could be granted to persons who were not Belgian. However, paragraphs 50 and 51 of the report contained a rather extensive discussion of a concept of civil and political rights that also involved certain economic and social rights. It was his understanding that the concept referred to in paragraph 239 was concerned only with political rights stricto sensu, namely, the rights guaranteed under article 25 of the Covenant.

42. Paragraph 145 referred to a Royal Decree that prohibited certain aliens from residing or establishing themselves in some communes in the greater Brussels area, and he requested the Belgian delegation to explain the meaning of "certain aliens".

43. He wished to know how the concept of minorities was understood in Belgian law and how it was applied in actual practice. He wondered whether, depending on the circumstances, a particular ethnic group could be considered to be either a majority or a minority, in which case it would require special protection under article 27 of the Covenant.

44. The Belgian delegation should provide information concerning the right of communes to conclude treaties. He asked whether any treaties had been concluded and, if so, on what subjects.

45. He requested information on how often the "alarm-bell procedure" had been used, both at the national level and the commune level.

46. According to paragraph 252 of the report, "the Court of Arbitration, the Court of Cassation and the Council of State must all have equal numbers of French-speaking and Dutch-speaking judges", and he wondered what the basis was for defining a person as Dutch-speaking or French-speaking, since there were most likely many people who were equally fluent in both languages.

47. Mr. WENNERGREN said that article 25 of the Belgian Constitution stated that "all powers stem from the nation". Other constitutions would have used "from the people", and he wondered whether there was a specific reason for the choice of wording, since in Belgium it might be necessary to refer to "the peoples". He noted, however, that article 79 and 80 of the Constitution contained references to "the Belgian people".

48. Mr. EL-SHAFEI, referring to paragraphs 5, 6 and 7 of the report, said that many countries had difficulties with the applicability of the Covenant and he commended Belgium on its candour. He wondered, however, how a State party could reconcile its obligations under article 2, paragraph 2, of the Covenant with its failure to apply, in toto, all the binding provisions of a treaty.

49. With regard to the applicability of the European Convention on Human Rights, he pointed out that the Convention incorporated the principles of the Covenant and he wondered why the Belgian authorities had reservations concerning certain articles of the Covenant, when they appeared to have no difficulty with the applicability of the European Convention.

50. Referring to the custom whereby certain groups of countries concluded arrangements among themselves which favoured their own citizens, he noted that that practice, while not in itself irregular, could lead to conflicts with international obligations, particularly those under article 26 and article 2, paragraph 1 of the Covenant.

51. Mr. NDIAYE said that the statement in the written reply under section I (a) of the list of issues, to the effect that the Belgian courts had sole competence for the interpretation of international treaties, was rather puzzling. He accepted that the courts would have such competence in the event of disputes, but believed that where there was no contention, the Ministry of Foreign Affairs or other executive authorities should be responsible for the interpretation of international treaties. As he understood it, Belgium drew a rigid distinction between self-executing provisions and those which were not directly applicable but if, like most other countries, it referred to the appropriate executive bodies for the interpretation of treaties, that distinction ceased to be so important, since, by interpreting treaties, the Belgian authorities could give indirect application to non-self-executing provisions.

52. With regard to section II (b), he asked what basis there was for the obligation placed on aliens to exercise political discretion in respect of their State of origin.

53. Mr. NOTERDAEME (Belgium) said, in reply to the questions asked regarding the position of the Covenant in Belgium's legal system, that there was, in essence, no difference between the status of the Covenant and that of the European Convention on Human Rights. The only difference was in the system for monitoring compliance with those instruments. Monitoring compliance with

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the Covenant was of a political nature and was exercised through the Committee, while control of the European Convention was carried out through the European Commission of Human Rights. The stringent procedures of the European Court of Human Rights, which had the power to instruct Belgium to change any provision of its legislation which was inconsistent with the Convention, caused Belgium to give particular attention to the European Convention, but he reiterated that there was no difference between the nature of the two instruments in Belgian law.

54. As stated in paragraph 7 of the report, the primacy of international law over national law was affirmed by a 1971 ruling by the Court of Cassation. The Belgian legislature, in accordance with the provisions of article 2, paragraph 2, of the Covenant, was therefore obliged to adapt internal legislation to the requirements of higher norms, namely, international law. If that was not done, the principle set forth in paragraph 5 of the report came into play, namely, that an international provision produced direct effects when it was clear and comprehensive, when it required the Belgian State either to refrain from action or to act in a specific manner and when it could be invoked as a source of law by individuals without need for any internal legislation for the purpose of implementation. In that context, and in response to the question concerning the difference between appeal judges, judges of first instance and judges of the Court of Cassation, he said that it was the responsibility of the judge to determine whether a provision might have been incorrectly incorporated into the law and to declare that the norm was sufficiently clear in itself to have direct effect.

55. That principle also underlay the division of authority between judges and the Department of Foreign Affairs or other similar administrative authorities. Any public authority could give views on whether or not a provision had a direct effect. The courts could, in turn, determine differently, that certain norms did have a direct effect, or were directly applicable or self-executing. Thus, while the Department of Foreign Affairs or other administrative authority gave an indication on the applicability of provisions before their ratification, in the final analysis it was up to the judge to determine that applicability and, if necessary, to overrule the decision of the legislature. Correspondingly, any new provisions in the law had to be consistent with the Covenant and the Court of Arbitration was also bound by the Covenant and its effects.

56. With reference to the distinction between civil and political rights, drawn in articles 92 and 93 of the Constitution, he said that the distinction in Belgian law between the two rights was very complicated and one aim of the current constitutional process was to simplify the issue, in order to clarify the rights of citizens and to help them protect those rights. The best criterion for determining whether a right was a political right was the need for the legislature to refer it to an administrative court, rather than to the ordinary courts.

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57. With reference to Belgium's reservation to articles 19, 21 and 22 of the Covenant, he explained that articles 10 and 11 of the European Convention on Human Rights accorded greater rights of exception than those in the Covenant and Belgium had therefore decided, in a spirit of caution, to refer to the more explicit rights of exception in the European Convention. He said that the issue would need to be carefully reviewed.

58. Turning to the ratification of the Optional Protocol, he said that the ratification procedure had been started three years previously; the administrative stage had been completed in October 1991 and the final reservations had been under consideration by the Government at the time of its fall in 1991. The procedure would have to be recommenced by the new Council of Ministers, but, as the preliminary, administrative stages had been completed, he hoped that the Protocol would be ratified before Belgium next appeared before the Committee. He preferred to take up the matter of the Second Optional Protocol during discussion of the issue of the death penalty.

59. On the question of protection of minorities, he said that the German community, which numbered only about 60,000, had its own administration and government, with a parliament headed by a three-man executive.

60. With reference to the protection of French minorities in the Flemish area and vice versa, he said that Belgium applied the principle of territorial monolingualism, whereby residents of Flanders were required to employ French and those of Wallonia, Flemish. An exception was represented by 27 border communes, which were known as "linguistic option" communes and in which the population had the right to receive services in a language other than the official language of the commune. The language arrangements in Belgium were established by law at the level of the National Parliament, the laws being passed by a two-thirds majority with a two-thirds quorum requirement. In view of those rigorous requirements, it was unlikely that any of the provisions of the language laws would be amended or rescinded.

61. With reference to recent legislation to promote equality of the sexes, he said that it was still too early to report on any results. One hundred and forty plans had been initiated in the public sector but progress had been interrupted by the fall of the Government which had instituted those measures. An assessment had been undertaken by the Department of Social Emancipation and would be resumed in due course.

62. Turning to the question of the Marckx ruling, he said that the Court of Arbitration and the European Court of Human Rights had criticized the Belgian legal authorities for failing to apply the Marckx ruling from the time it had been rendered, constraining Belgium to adapt its legislation accordingly. If it was decided to make the 1987 Act retroactive, it might be necessary to reopen numerous right of succession cases and to establish a compensation fund for those children who had been treated in a discriminatory fashion.

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63. In response to the question why the Belgian Constitution contemplated the equality of all citizens only in general terms, set out in articles 6 and 6 bis, without specifying particular parameters, he said that that approach had been adopted because international law prevailed over national law. Since the Covenant expressly prohibited discrimination on specific grounds, that prohibition was implicit in Belgium's internal legislation as part of its legislative heritage and there had been no need to amend the 1861 Constitution.

64. On the distinction drawn by the Belgian legislature between the second and third generations in the naturalization of aliens, he said that the rationale for that distinction was that the process of assimilation of an immigrant really only took effect with the third generation. He did not believe that any discrimination was involved: originally, it had been intended to accord naturalization at the second generation but, following discussions with immigrant representatives, it was decided to leave the initiative to the parents of third-generation immigrants, or, if the parents did not act, to the individual concerned to make the application at the appropriate stage.

65. With regard to the case of the Tunisian asylum-seeker, he said that the matter was still before the courts but that the decision of the Ministry of Justice had been based on the fact that the Tunisian citizen was a human rights militant and member of an organization considered to engage in political terrorism. The legislative authorities in Belgium which were currently considering the case seemed, however, not to share the views of the Ministry.

66. On the issue of prostitution, he confirmed that in Belgium it was considered that prostitution, when exercised by women who were properly innoculated and of majority age, was a legitimate occupation. It was felt, however, that the State had the right to discourage the practice, particularly by persons whose situation might render them vulnerable to exploitation by third parties.

67. On the question of intercommunal cooperation, he said that there were mechanisms of a legal and constitutional nature to foster cooperation between communities and regions, either by reconciling conflicting interests or through a legal conciliation procedure. A number of coordination and cooperation committees had been set up between the French, Dutch and German communities and language regions and the bilingual capital. In addition, there was a special department for legal cooperation under the Council of State, which ensured the proper dovetailing of communal legislation in matters of common concern.

68. Turning to the restrictions placed on areas where immigrants could settle, he conceded that the measures were highly contentious and possibly inconsistent with the provisions of the Covenant. The justification for the measures had been a concern to avoid provoking racist reactions against

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certain non-European immigrants, particularly in the light of housing problems in some areas. While the previous Government had intended not to renew those measures, the current administration was considering the adoption of new measures of a similar nature. He said that he would pass on the concerns and criticisms expressed by members of the Committee to his Government.

The meeting rose at 1.10 p.m.